

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LAMARCUS PHILPOT-EL,)	
)	
Plaintiff,)	
)	
v.)	2:06-cv-01468-IPJ-JEO
)	
WARDEN J. C. GILES, <i>et al.</i> ,)	
)	
Defendants.)	

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Lamarcus Philpot-EL, the plaintiff, has filed a *pro se* complaint in this court pursuant to 42 U.S.C. § 1983. The plaintiff is an Alabama prison inmate incarcerated at the Ventress Correctional Facility, which is located in the Middle District of Alabama. He names employees of the Ventress facility as defendants and complains of events occurring at that facility.

It therefore appears that venue is not proper in the Northern District of Alabama. A civil rights action may be brought only in the judicial district (1) where at least one of the defendants resides or (2) where “a substantial part of the events or omissions giving rise to the claim occurred.” 28 U.S.C. § 1391(b). *See Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff’d*, 480 F.2d 805 (5th Cir. 1973); *Daugherty v. Procunier*, 456 F.2d 97 (9th Cir. 1972). There does not appear to be a defendant which resides in the Northern District of Alabama. In addition, the actions of which plaintiff complains did not occur in the Northern District of Alabama, but appear to have occurred in the Middle District of Alabama. Accordingly, in the interest of justice, this action is due to be transferred to the United States District Court for the Middle District of Alabama. 28 U.S.C. §

1404(a).

For the foregoing reasons, the magistrate judge recommends that this action be transferred to the United States District Court for the Middle District of Alabama.

The plaintiff may file specific written objections to this report within fifteen (15) days of the date it is filed. Failure to file written objections to the proposed findings and recommendations contained in this report within fifteen (15) days from the date of its filing shall bar him from attacking the factual findings on appeal.

DONE, this the 4th day of August, 2006.

A handwritten signature in black ink, reading "John E. Ott". The signature is written in a cursive, flowing style.

JOHN E. OTT
United States Magistrate Judge